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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,519	02/28/2005	Kyoko Yokoi	TIP-05-1007	1423

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IP GROUP OF DLA PIPER US LLP
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EXAMINER

CHRISS, JENNIFER A

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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11/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,519	Applicant(s) YOKOI ET AL.	
	Examiner JENNIFER A. CHRISS	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Reconsideration

1. The Applicant's Remarks, filed July 28, 2007, have been entered and have been carefully considered. Claims 5 – 8 are pending. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima (US 4,046,504) in view of Streicher et al. (US 4,983,185). The details of the rejection can be found in the Office Action dated June 18, 2008. The rejection is maintained. The Examiner apologizes for the typo in the previous Office Action and appreciates that the Applicant acknowledges that the rejection should include claim 5, not claim 1 which was cancelled. The Examiner has corrected the rejection statement above.
4. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima (US 4,046,504) in view of Streicher et al. (US 4,983,185) as applied above, and further in view of Pedain et al. (US 3,867,350). The details of the rejection can be found in the Office Action dated June 18, 2008. The rejection is maintained.

Response to Arguments

5. Applicant's arguments filed July 28, 2008 have been fully considered but they are not persuasive.

6. Applicant argues that one would have been not motivated to combine Fukushima and Streicher as Fukushima is directed to artificial leather and Streicher is directed to dyeing of animal hides. Although the dyeing methods of Streicher aims to solve issues associated with animal hide, Streicher also indicates that the dye process provides dyeing which are excellent in levelness, wetfastness and lightfastness and show good penetration of color (column 6, lines 1 - 5), which would be useful and desirable in the manufacturing of animal hides but also artificial leathers.

7. Applicant argues, even if one would have been motivated to substitute the pigments of Streicher into the dyeing process of Fukushima, he or she would be led away from the leather and method recited in the claims. Applicant argues that Fukushima teaches that adding pigments to an elastomer binder prior to impregnating the fiber mat results in complications in industrial manufacture and an inferior product. Applicant indicates that Fukushima proposes an alternative process in which polymer fibers are colored throughout prior to forming a mat and then the mat is impregnated with a binder containing an elastomer. Contrary to Applicant's arguments, as noted in both claims 1 and 9 of Fukushima, the suede sheet is made by coloring fibers throughout with dope dyes, forming a fibrous mat, impregnating the mat with a binder composed of an elastomer, treating the impregnated mat to form a napped surface and then *dyeing the napped sheet material* (columns 11 – 12). Therefore, the polyurethane

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impregnated material is dyed and not just the fibers. Applicant indicates that the rejected claims recite a polyurethane that contains selected pigments. The Examiner submits that the combination of Fukushima and Streicher teach Applicant's claim. It should be noted that the claims do not recite what Applicant refers to in the Specification, specifically, that the polyurethane solution is mixed with predetermined amounts and colors of pigments prior to impregnating the fiber-entangled substrate. The rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. CHRISS whose telephone number is

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(571)272-7783. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 6 p.m., first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/
Examiner, Art Unit 1794

/J. A. C./
Examiner, Art Unit 1794